

off approach and allows him to run the unit. Questions, calls, or concerns regarding this unit are directed to him, and he directs any high-end questions to the Chief.

The appellant maintains that his supervisor and Chief attempted to assign lower level employees to him, so he could do their PARs. However, the Director's Office indicated he must obtain a Principal Field Representative title to do PARs. The appellant states that it is a contradiction that one cannot "obtain" subordinates prior to an audit request to a supervisory title, yet must have the supervisory title to have assigned subordinates. He states that three Field Representatives and two Senior Field Representatives are ready to be assigned to him, so he can do their PARs. He states that he works with them daily, plans and assigns their work, reviews their work, addresses their questions or concerns, and give input regarding their PARs to his supervisor.

CONCLUSION

N.J.A.C. 4A:3-3.9(e) states that appeals from the decision of the Commission representative to the Civil Service Commission may be made by an employee, authorized employee representative, or local appointing authority. The appeal shall be submitted in writing within 20 days of receipt of the decision letter and include copies of all materials submitted, the determination received from the lower level, statements as to which portions of the determination are being disputed, and the basis for appeal. Information and/or argument which was not presented at the prior level of appeal shall not be considered.

The definition section of the job specification for Senior Field Representative, Local Property Tax states:

Under direction of a Principal Field Representative or other supervisor in the Department of the Treasury, does the more complex work involved in examining and checking assessments, tax lists, exemption and deduction lists, and other pertinent documents; does the more complex field and office work involved in the appraisal of real property; does other related duties as required.

The definition section of the job specification for Principal Field Representative, Local Property Tax states:

Under direction of a supervisor in the Department of the Treasury, plans and supervises work of lower grade field representatives engaged in examining and checking assessments, tax lists, exemption and deduction lists, and other pertinent documents; performs field and office work involved in appraisal of real property; does other related duties as required.

Based upon a review of the information, the appellant's position is properly classified as Senior Field Representative, Local Property Tax. Initially, the Principal Field Representative, Local Property Tax title is a supervisory title. Supervisory duties include responsibility for seeing that tasks assigned to subordinates are efficiently accomplished. It involves independent assignment and distribution of work to employees, with oral or written task instructions, and maintenance of the flow and quality of work within a unit to ensure timely and effective fulfillment of objectives. Supervisors are responsible for making available or obtaining materials, supplies, equipment, and/or plans necessary for particular tasks. They provide on-the-job training to subordinates when needed, and make employee evaluations based on their own judgment. They have the authority to recommend hiring, firing, and disciplining employees. *See In the Matter of Julie Petix* (MSB, decided January 12, 2005). *See also, In the Matter of Susan Simon and William Gardiner* (Commissioner of Personnel, decided September 10, 1997). Moreover, the Civil Service Commission has determined that the *essential component* of supervision is the responsibility for the administration of performance evaluations for subordinate staff. *See In the Matter of Timothy Teel* (MSB, decided November 16, 2001). Actual authority is evidenced by being named the rater on the performance evaluation document. *See In the Matter of Harry Corey, et al.* (MSB, decided September 21, 2005).

In the present case, the appellant does not have the responsibility of supervising staff as he does not complete employee evaluations or recommend the hiring, firing, promoting, demoting, and/or disciplining of employees. Although the appellant indicated on his PCQ that he "supervised" three Field Representatives and two Senior Field Representatives, his supervisor was responsible for the ePARs. If the appointing authority denies the appellant the responsibility of administering PARs, it should refrain from assigning the appellant the typical work of a supervisor. The appellant can lead and provide guidance other individuals in the title series, but supervisory duties and responsibilities belong to the appellant's supervisor. The appellant is correct that he cannot "obtain" subordinates prior to an audit request to a supervisory title. The assignment of subordinates merits a supervisory title, and requesting a classification review is not a promotional process. The appointing authority has the right to determine the organizational structure of its operation and whether to make promotional appointments, but the classification of a position is determined by the duties assigned to the position.

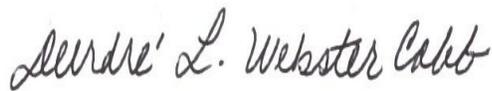
Accordingly, a thorough review of the entire record fails to establish that the appellant has presented a sufficient basis to warrant a Principal Field Representative, Local Property Tax classification of his position.

ORDER

Therefore, the position of Matthew Loyer is properly classified as a Senior Field Representative, Local Property Tax.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 20th DAY OF SEPTEMBER, 2018



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